

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2006-093494

06/06/2012

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT

M. Kay

Deputy

IN RE THE MATTER OF  
TIA CHRISTINE COOK

TIA CHRISTINE COOK  
15716 E CHAPALA ST  
GILBERT AZ 85234

AND

ADAM S LOSNEGARD

J VINCENT GONZALEZ

AG-CHILD SUPPORT-EAST VALLEY  
OFFICE

MINUTE ENTRY

Courtroom 403 – SEA

11:04 a.m. This is the time set for Evidentiary Hearing re: whether Respondent/Father is entitled to any further relief regarding tax year 2007 and Resolution Management Conference re: Petitioner's Emergency Motion for Temporary Order Without Notice for Modification of Parenting Time. Petitioner is present on her own behalf. Respondent is present telephonically and is represented by above named counsel.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding the tax exemption issue set for evidentiary hearing this date.

The Court has received and reviewed Petitioner's Emergency Motion for Temporary Order Without Notice for Modification of Parenting Time and Petitioner's separately filed Expedited Petition to Modify Parenting Time, Parenting Time Adjustment Credit and Travel Cost filed on May 10, 2012.

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The Court is inclined to find that it is appropriate to reappoint a Parenting Coordinator in this case due to the continuing conflict between the parties.

Discussion is held regarding Respondent/Father's parenting time with the minor child.

Counsel for Respondent presents avowals to the Court regarding Respondent's testimony as it would relate to the 2007 tax exemption for the minor child.

**IT IS ORDERED** taking the 2007 tax exemption issue under advisement. The Court will review the docket and the prior rulings to determine whether counsel for Respondent's avowal regarding the parties' co-habitation during 2007 is correct. Upon that determination, the Court will issue a ruling regarding Father's request for tax relief for tax year 2007.

**IT IS ORDERED** directing Respondent to file a response to Petitioner's Emergency Motion for Temporary Order Without Notice for Modification of Parenting Time and Petitioner's separately filed Expedited Petition to Modify Parenting Time, Parenting Time Adjustment Credit and Travel Cost no later than **June 27, 2012**.

Tia Christine Cook and Adam S. Losnegard are sworn and testify regarding Respondent/Father's parenting time with the minor child.

Petitioner's Exhibits 4, 5 and 7 are offered and received in evidence.

Petitioner's Exhibit 11 is offered but not received in evidence.

**LET THE RECORD REFLECT** counsel for Respondent moves the Court to issue a summary verdict to allow Respondent to exercise summer parenting time with the minor child for the reasons expressed to the Court.

**LET THE RECORD REFLECT** the Court's order of March 16, 2010 anticipated that Father would spend time with the minor child in the state of Arizona before the child would travel out of state to visit him in the state of Washington. Both parties agree that Father has not had any contact with the child since December of 2010. Father has not filed a complaint with the Court with regard to enforcement of his parenting time.

For the reasons expressed on the record,

The Court declines to order that the child travel outside the state of Arizona to visit with Father until a further evidentiary hearing is held in this matter.

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**IT IS ORDERED** quashing the emergency order issued by the Court on May 10, 2012.

**IT IS ORDERED** that Father may continue to exercise unsupervised overnight parenting time with the minor child in Arizona on one weekend per month so long as he gives Mother at least ten days written notice of his intent to exercise his parenting time. Father's weekend parenting time may begin anytime after Friday at noon and continuing through Monday at noon.

**LET THE RECORD REFLECT** counsel for Respondent moves the Court to enforce Mother's reimbursement of the travel expenses incurred by Father for the minor child. Respondent is notified that the issue of travel expenses was not noticed for hearing this date. Respondent must file a proper motion to that effect.

**IT IS ORDERED** setting an Evidentiary Hearing to the Court on **July 17, 2012 at 10:00 a.m. (2 hours allowed)** before Honorable Christopher Coury at:

Maricopa County Superior Court  
Southeast Judicial District  
222 E. Javelina Avenue  
Courtroom 403  
Mesa, AZ 85210

**Due to the judicial rotation scheduled to occur in June, 2012, this represents a change in judicial assignment and both parties are on notice thereof in accordance with Rule 6 of the Arizona Rules of Family Law Procedure and Rule 42 of the Arizona Rules of Civil Procedure.**

**Issues to be addressed:** Petitioner's Emergency Motion for Temporary Order Without Notice for Modification of Parenting Time, Petitioner's Expedited Petition to Modify Parenting Time, Parenting Time Adjustment Credit and Travel Cost, and whether it is appropriate to reinstate the additional parenting time set forth in the minute entry of March 16, 2010 or whether it is appropriate to further modify the parenting time orders.

**IT IS ORDERED** that Respondent may appear telephonically at the above set Hearing by promptly contacting Judge Coury's Division on said date and time at (602) 372-3876.

**PLEASE NOTE:** this Court cannot guarantee the quality of the reception and whether a person can hear or be heard during a telephonic appearance. If there is a difficulty with the telephonic appearance, the above-set hearing will NOT be reset. Please be sure that any telephonic appearance be made from a landline, not from a cell phone or on a speaker phone.

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Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

**IT IS FURTHER ORDERED** that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

**IT IS FURTHER ORDERED** that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.

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2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.

3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**IT IS FURTHER ORDERED** that each party shall deliver their exhibits to the Clerk of this Division no less than 5 days prior to the hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the evidentiary hearing. If you make a written request before the evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should

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the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of the Court,

**IT IS ORDERED** that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee.

**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

Petitioner's Exhibits 1 through 3, 6, 8 through 10, and 12 through 23 are released.

11:58 a.m. Hearing concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

**NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.**

**NOTICE:** A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

**FILED:** Exhibit Worksheet.

**ISSUED:** Exhibit Release Form.

**LATER:**

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The Court having reviewed the docket and record of proceedings; and after considering the avowals and argument presented,

**IT IS ORDERED** granting Respondent/Father's request for tax relief for 2007.

**IT IS FURTHER ORDERED** Petitioner/Mother is to cooperate with the Respondent/Father's filing of his 2007 tax return so that he may claim the minor child, Cole (DOB: 9/6/06), as an exemption. Mother is directed to sign any IRS documents necessary to facilitate the tax filing.

**IT IS ORDERED** that the requirements of Rule 81 are waived and this minute entry is signed as the formal written Order of this Court.

June 13, 2012  
Date

/ s / HONORABLE DAVID M. TALAMANTE

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JUDICIAL OFFICER OF THE SUPERIOR COURT